

10 SEAPLANE ADVENTURES,

11 Plaintiff,

No. C-20-06222-WHA

12 v.

13 COUNTY OF MARIN, CALIFORNIA,

14 Defendant.

**REQUEST FOR FEDERAL
AVIATION ADMINISTRATION TO
APPEAR AS AN AMICUS CURIAE**

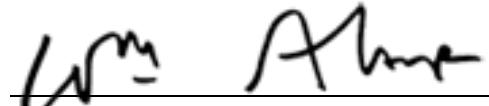
16 This action involves the potential preemptive effect of federal aviation law administered
17 by the Federal Aviation Administration on the authority of a local government to enact and
18 enforce a health order that prohibits recreational flights including sightseeing flights (those that
19 take off, loop an area, then return to the take-off location) and chartered flights for leisure
20 travel (as opposed to chartered flights for essential activities and travel). In particular, the
21 Court would like clarification as to whether 49 U.S.C. Section 41713(b)(1)'s requirement that
22 local governments "not enact or enforce a law, regulation, or other provision having the force
23 and effect of law related to a price, route, or service" applies to a local health order's
24 prohibition of local recreational flights, such as local sightseeing or chartered leisure travel to
25 other destinations. The Court would also benefit from verification as to what types of
26 certifications Seaplane Adventures, LLC holds and to what extent preemption may depend on
27 those certifications. The Court invites the Commission to participate as an amicus curiae to
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1 better inform the Court on the proper application of federal aviation law. The FAA shall
2 please advise within **FOURTEEN DAYS** whether it will be able to do so.

3 The clerk of the court shall deliver this order to the Assistant Attorney General of the
4 Civil Division located in San Francisco for conveyance to the appropriate FAA administrator.

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6 **IT IS SO ORDERED.**

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8 Dated: March 10, 2020

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11 WILLIAM ALSUP
12 UNITED STATES DISTRICT JUDGE